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RECEIVED
FEB 28 2013
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Co-Lead Counsel for Plaintiffs

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 In re FINISAR CORP. DERIVATIVE
16 LITIGATION

17 This Document Relates To:

18 ALL ACTIONS.

) Master File No. C-06-07660-RMW-HRL
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1 WHEREAS, on May 21, 2008, plaintiffs filed the Supplemental Second Amended
2 Consolidated Verified Shareholder Derivative Complaint for Violation of the Federal Securities
3 Laws (the “SSAC”);

4 WHEREAS, on November 2, 2012, pursuant to the parties’ Joint Case Management
5 Conference Statement, defendants and Finisar Corporation (“Finisar”) filed their answers to the
6 SSAC;

7 WHEREAS, subsequent to filing of defendants answers, plaintiffs informed defendants that
8 they believe that certain of the affirmative defenses contained in defendants’ answers should be
9 amended or withdrawn;

10 WHEREAS, on January 2, 2013, the Court entered a Stipulation and Order Extending
11 Deadlines for (i) Amending Answers to the Complaint; and (ii) Filing Motion to Strike, which
12 extended the deadlines for plaintiffs to file a motion a strike pursuant to Fed. R. Civ. P. 12(f)(2), and
13 for defendants to file a motion to amend pursuant to Fed. R. Civ. P. 15(a)(1)(A), until January 22,
14 2013, in order to facilitate discussions between the parties regarding defendants’ answers;

15 WHEREAS, the parties’ discussions are ongoing and the parties respectfully request that the
16 Court further extend the deadline for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
17 12(f)(2), and the deadline for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
18 15(a)(1)(A), until February 22, 2013, in order to facilitate continued discussions regarding
19 defendants’ answers and avoid potentially unnecessary motion practice.

20 NOW, THEREFORE, the parties hereby stipulate and agree, subject to this Court’s approval,
21 as follows:

22 1. The deadline for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
23 12(f)(2) is extended until February 22, 2013.

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1 2. The deadline for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
2 15(a)(1)(A) is extended until February 22, 2013.

3 **STIPULATED AND AGREED:**

4 DATED: January 22, 2013

5 **ROBBINS GELLER RUDMAN**
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7 **SHAWN A. WILLIAMS**
8 **CHRISTOPHER M. WOOD**

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31 Co-Lead Counsel for Plaintiffs

32 DATED: January 22, 2013

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44 Counsel for Defendant Stephen Workman

1 DATED: January 22, 2013

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15 Counsel for Defendants Michael C. Child, Roger
16 C. Ferguson and Frank H. Levinson

17 DATED: January 22, 2013

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26 Counsel for Defendant Jerry S. Rawls

1 I, Christopher M. Wood, am the ECF User whose identification and password are being used
2 to file the Stipulation and [Proposed] Order Further Extending Deadlines for (i) Amending Answers
3 to the Complaint; and (ii) Filing Motion to Strike. In compliance with Civil Local Rule 5-1(i)(3), I
4 hereby attest that Sarah A. Good, Lloyd Winawer and Jared L. Kopel have concurred in this filing.

5

s/ Christopher M. Wood
6 CHRISTOPHER M. WOOD

7 * * *

8 **9 O R D E R**

10 Based on the above Stipulation of the parties, by and through their counsel of record, and for
11 good cause showing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

12 1. The deadline for plaintiffs to file a motion to strike pursuant to Fed. R. Civ. P.
13 12(f)(2) is extended until February 22, 2013.

14 2. The deadline for defendants to file a motion to amend pursuant to Fed. R. Civ. P.
15 15(a)(1)(A) is extended until February 22, 2013.

16 IT IS SO ORDERED.

17 DATED: February



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THE HONORABLE RONALD M. WHYTE
19 UNITED STATES DISTRICT JUDGE
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